

EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
December 11, 2008

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Consent Order 07-0654-UST
 Order Date: September 8, 2008
 Respondent: **Willie Jennings**
 Facility: College Corner All American
 Location/Mailing Address: 1186 Magnolia Street, Orangeburg,
 SC / 115 Boulevard SE, Orangeburg,
 SC 29115

 County: Orangeburg
 Previous Orders: 03-0067-UST (\$1,000);
 03-5231-UST (\$300)

 Permit/ID Number: 14497
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.41(b) and R.61-
 92.280.34(c).

Summary: Willie Jennings (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to have the corrosion protection systems inspected by a qualified tester every three (3) years and failure to provide records to the Department upon request.

Action: The Respondent is required to submit the results of a corrosion protection test and pay a civil penalty in the amount of four hundred dollars (\$400.00).

- 2) Order Type and Number: Consent Order 08-0050-UST
 Order Date: September 8, 2008
 Respondent: **Robert C. and Dorothy Faile**
 Facility: Yogi Mart
 Location/Mailing Address: 139 S. Hampton St., Kershaw,
 SC/1132 Great Falls Hwy.,
 Lancaster, SC 29720

 County: Lancaster
 Previous Orders: None

Permit/ID Number: 05396
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the
Underground Storage Tank Control Regulation 61-92.280.40(a), R.61-
92.280.41(b)(i), R.61-92.280.31(b), R.61-92.280.31(c), and R.61-
92.280.34(c).

Summary: Robert C. and Dorothy Faile (Respondents) own and operate underground storage tanks and have violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to provide adequate release detection methods for an underground storage tank system; failure to equip a pressurized line with an automatic line leak detector; failure to have the corrosion protection system tested by a qualified inspector every three years; failure to inspect the impressed current system every sixty days; and, failure to provide records to the Department upon request.

Action: The Respondent is required to: submit a copy of the automatic tank gauge records from January of 2007 through May of 2007 for all tanks, or current tank tightness test results for all tanks and a copy of the automatic tank gauge records for the current month; submit proof that a line leak detector has been installed on the mid-grade line, and line tightness and line leak detector function test results for the mid-grade line after installation of the line leak detector; submit a copy of the current corrosion protection system test results; submit a copy of the rectifier log for the current month; and, pay a civil penalty in the amount of one thousand, four hundred fifty dollars (\$1,450.00).

3) Order Type and Number: Consent Order 08-0066-UST
Order Date: September 8, 2008
Respondent: **Vinay A. Patel**
Facility: Reva of Spartanburg, Inc.
Location/Mailing Address: 398 Gossett Road, Spartanburg, SC /
398 Gossett Road, Spartanburg, SC
29307
County: Spartanburg
Previous Orders: None
Permit/ID Number: 08657
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the
Underground Storage Tank Control Regulation 61-92.280.40(a) and R.61-
92.280.34(c).

Summary: Vinay A. Patel (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to provide adequate release detection methods and failure to provide records to the Department upon request.

Action: The Respondent is required to pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

- 4) Order Type and Number: Consent Order 08-0100-UST
 Order Date: October 7, 2008
 Respondent: **Evans Petroleum Company, Inc.**
 Facility: County Line Store
 Location/Mailing Address: 3042 N. Rocky River Rd., Lancaster,
 SC/1132 Great Falls Hwy.,
 Lancaster, SC 29720

 County: Lancaster
 Previous Orders: None
 Permit/ID Number: 12756
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.40(a) and R.61-
 92.280.34(c).

Summary: Evans Petroleum Company, Inc. (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to provide adequate release detection methods for an underground storage tank system and failure to provide records to the Department upon request.

Action: The Respondent is required to pay a civil penalty in the amount of two hundred dollars (**\$200.00**).

- 5) Order Type and Number: Consent Order 08-0220-UST
 Order Date: September 8, 2008
 Respondent: **Eric and Sharon Zacour**
 Facility: E Z Express Mart
 Location/Mailing Address: 2327A Springvale Rd., Ridgeway,
 SC/P.O. Box 835, Elgin, SC 29045

 County: Fairfield
 Previous Orders: None
 Permit/ID Number: 17165
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.40(a) and R.61-
 92.280.34(c).

Summary: Eric and Sharon Zacour (Respondents) own and operate underground storage tanks and have violated the South Carolina Underground

Action: The Respondent is required to: submit a copy of the release detection records for the current month and pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

Summary: Pasley & Sons Variety Store (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to install underground storage tank systems in accordance with accepted codes and standards; failure to maintain adequate release detection methods; failure to conduct the 60-day inspection of the impressed current system; and, failure to provide records to the Department upon request.

Action: The Respondent is required to: submit proof that the tanks have been pumped out to less than 1 inch of residue; submit a manifest or work order showing that the contents of the tanks were disposed of properly and that the tanks are capped and locked; and, pay a civil penalty in the amount of five hundred dollars **(\$500.00)**.

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Location/Mailing Address: 760 S. Main St., Society Hill, SC/PO Box, Denton, NC 27239
County: Darlington
Previous Orders: None
Permit/ID Number: 02698
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, as amended, and the Underground Storage Tank Control Regulation 61-92.280.10(e).

Summary: Furr Transport, Inc. (Respondent) has violated the South Carolina Underground Storage Tank Control Regulation as follows: causing a regulated substance to be placed into an underground storage tank for which the owner did not hold a currently valid registration and failure to provide records to the Department upon request.

Action: The Respondent is required to pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

8) Order Type and Number: Consent Order 08-0288-UST
Order Date: September 23, 2008
Respondent: **Southern Stores, LLC**
Facility: (1) Southern Store 583
(2) Southern Store 636
Locations/ Mailing Address (1) 1326 Blacksburg Highway at I-85, Greer, S.C.
(2) 1200 N. Main St., Lancaster, SC / 7741 S. Tryon St, Charlotte, N.C. 28217
County: Lancaster
Previous Orders: None
Permit/ID Number: 02032 and 12785
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, as amended, and the Underground Storage Tank Control Regulation 61-92.280.93(a) and R.61-92.280.110(c).

Summary: Southern Stores, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to provide Financial Responsibility at two facilities.

Action: The Respondent is required to provide the Financial Responsibility for both facilities and pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

- 9) Order Type and Number: Consent Order 08-0295-UST
 Order Date: September 23, 2008
 Respondent: **Skull Creek LTD Partnership**
 Facility: Skull Creek Marina
 Location/Mailing Address: 1 Waterway Lane, Hilton Head
 Island, SC / PO Box 22047, Hilton
 Head Island, SC 29925

 County: Beaufort
 Previous Orders: 06-0093-UST (\$1,000);
 03-1365-UST (\$1,000)

 Permit/ID Number: 00957
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.93(a) and R.61-
 92.280.110(c).

Summary: Skull Creek LTD Partnership (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to provide Financial Responsibility.

Action: The Respondent is required to provide Financial Responsibility for the facility and pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

- 10) Order Type and Number: Consent Order 08-0343-UST
 Order Date: September 8, 2008
 Respondent: **Evans Petroleum Co., Inc.**
 Facility: Pleasant Hill Mini Mart
 Location/Mailing Address: 4494 Kershaw-Camden Hwy.,
 Pleasant Hill, SC/1132 Great Falls
 Hwy., Lancaster, SC 29720

 County: Lancaster
 Previous Orders: AO 07-0246-UST (\$2,950)
 Permit/ID Number: 12633
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.40(a) and R.61-
 92.280.34(c).

Summary: Evans Petroleum Company, Inc. (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to provide adequate release detection methods for an underground storage tank system and failure to provide records to the Department upon request.

Action: The Respondent is required to: submit a copy of the current tank tightness, line tightness, and line leak detector function test results for all underground storage tank systems; and, pay a civil penalty in the amount of one thousand, one hundred dollars **(\$1,100.00)**.

- 11) Order Type and Number: Consent Order 08-0396-UST
 Order Date: October 7, 2008
 Respondent: **Higgins Transport, Inc.**
 Facility: Irmo Convenience Store
 Location/Mailing Address: 7353 Nursery Rd., Columbia,
 SC/4567 Oxford Dr., Evans, GA
 30809

 County: Lexington
 Previous Orders: None
 Permit/ID Number: 06109
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.10(e).

Summary: Higgins Transport, Inc. (Respondent) supplies fuel to underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: placing regulated substances or causing regulated substances to be placed into an underground storage tank system for which the owner or operator did not hold a currently valid registration or permit.

Action: The Respondent is required to pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

- 12) Order Type and Number: Consent Order 08-0397-UST
 Order Date: October 7, 2008
 Respondent: **Shree Sai, LLC**
 Facility: Irmo Convenience Store
 Location/Mailing Address: 7353 Nursery Rd., Columbia,
 SC/4567 Oxford Dr., Evans, GA
 30809

 County: Lexington
 Previous Orders: None
 Permit/ID Number: 06109
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.10(e).

Summary: Shree Sai, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: placing regulated substances or causing regulated substances to be placed into an underground storage tank system for which the owner or operator did not hold a currently valid registration or permit.

Action: The Respondent is required to pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

- 13) Order Type and Number: Consent Order 08-0427-UST
 Order Date: October 7, 2008
 Respondent: **Juanita Gibson**
 Facility: One Stop Shop N Grill
 Location/Mailing Address: 825 S.E. Main St., Simpsonville,
 SC/405 Cooper Bridge Rd., Fountain
 Inn, SC 29644

 County: Greenville
 Previous Orders: None
 Permit/ID Number: 17549
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.10(e).

Summary: Juanita Gibson (Respondent) owns underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: placing regulated substances or causing regulated substances to be placed into an underground storage tank system for which the owner or operator did not hold a currently valid registration or permit.

Action: The Respondent is required to pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

- 14) Order Type and Number: Consent Order 08-0184-UST
 Order Date: October 1, 2008
 Respondent: **Allied Systems, LTD**
 Facility: Allied Systems, LTD
 Location/Mailing Address: 111 Burroughs Avenue, Lexington,
 SC / 2302 Parklake Drive, Suite 600,
 Atlanta, GA 30345

 County: Lexington
 Previous Orders: 07-0580-UST (\$500)
 Permit/ID Number: 05978
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the

Underground Storage Tank Control Regulation 61-92.280.93(a) and R.61-92.280.110(c).

Summary: Allied Systems, LTD (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: by failure to provide Financial Responsibility.

Action: The Respondent is required to provide Financial Responsibility for the facility and pay a civil penalty in the amount of two hundred dollars (\$200.00).

15) Order Type and Number: Consent Order 08-0384-UST
Order Date: October 21, 2008
Respondent: **Nathan Ramsey d.b.a. Corner Store, Inc.**
Facility: Corner Store 1
Location/Mailing Address: 704 Hyatt St., Gaffney, SC/192 Lois Dr., Gaffney, SC 29341
County: Cherokee
Previous Orders: None
Permit/ID Number: 02016
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, as amended, and the Underground Storage Tank Control Regulation 61-92.280.40(a) and R.61-92.280.34(c).

Summary: Nathan Ramsey d.b.a. Corner Store, Inc. (Respondent) owns underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to provide adequate release detection methods for an underground storage tank system and failure to provide records to the Department upon request.

Action: The Respondent is required to: submit a copy of tank tightness test results for the premium and diesel tanks, and a copy of the automatic tank gauge records for the current month; and, pay a civil penalty in the amount of six hundred dollars (\$600.00).

16) Order Type and Number: Consent Order 08-0418-UST
Order Date: October 13, 2008
Respondent: **James L. Aiken, Sr.**
Facility: Mr. J's Convenience Store
Location/Mailing Address: 1865 Chapin Rd., Chapin, SC/75 Mariners Ln., Prosperity, SC 29127

County: Lexington
Previous Orders: 07-119-DW (Stipulated \$4,000)
Permit/ID Number: 19094
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act), as amended,
Section 44-2-60(A) and the Underground Storage Tank Control
Regulation 61-92.280.10(e).

Summary: James L. Aiken, Sr. (Respondent) owns and operates underground storage tanks and has violated the State Underground Petroleum Environmental Response Bank (SUPERB) Act and the South Carolina Underground Storage Tank Control Regulations by introducing regulated substances into an underground storage tank system for which the owner or operator did not hold a currently valid registration.

Action: The Respondent is required to pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

Hazardous Waste Enforcement

17) Order Type and Number: Consent Order 08-12-HW
Order Date: July 22, 2008
Responsible Party: **Koppers Inc.**
Location/Mailing Address: 280 Koppers Street / PO Box 13009
Florence, South Carolina
29504/29503
County: Florence
Previous Orders: 03-214-W (\$13,600)
Permit Number: SCD 003 353 026
Violations Cited: The South Carolina Hazardous
Waste Management Regulation 61-79.273.14(e), R.61-79.273.13(d)(1),
R.61-79.273.15(c)(1), and R.61-79.265.443(c).

Summary: Koppers Inc. (Respondent) manufactures treated wood products. The Respondent has violated the Hazardous Waste Management Regulation as follows: failure to ensure that each lamp or a container or package in which such lamps are contained is labeled or marked clearly with one of the following phrases: "Universal Waste - Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s);" failure to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, compatible with the contents of the lamps, closed and lacking evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions; failure to demonstrate the length of time universal waste has been accumulated by placing the universal

waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received; and, failure to maintain drip pads such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

Action: The Respondent has agreed to pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

- 18) Order Type and Number: Consent Order 08-13-HW
 Order Date: September 9, 2008
 Responsible Party: **Force Protection Industries, Inc.**
 Location/Mailing Address: 9801 Highway 78
 Ladson, South Carolina 29456
 County: Charleston
 Previous Orders: None
 Permit Number: SCR 000 766 923
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2) and the South Carolina Hazardous
 Waste Management Regulation 61-79.265.173(c), R.61-79.262.34(a)(2),
 R.61-79.265.173(d), R.61-79.265.175(b)(1), R.61-79.265.175(b)(2), R.61-
 79.265.175(b)(3), R.61-79.265.175(b)(4), R.61-79.265.174, R.61-
 79.265.15(d), R.61-79.262.34(c)(1), R.61-79.262.34(c)(1)(ii), R.61-
 79.262.34(c)(2), R.61-79.262.11, R.61-79.273.13(d), R.61-79.273.16,
 R.61-79.265.37(a)(1), R.61-79.265.37(a)(2), R.61-79.265.37(a)(3), R.61-
 79.265.37(a)(4), R.61-79.265.52(a), R.61-79.265.52(c), R.61-
 79.265.52(d), R.61-79.265.52(e), R.61-79.265.53(b), R.61-
 79.265.16(a)(1), R.61-79.265.16(b), R.61-79.265.16(d)(1), R.61-
 79.265.16(d)(2), R.61-79.265.16(d)(3), and, R.61-79.265.16(d)(4).

Summary: Force Protection Industries, Inc. (Respondent) manufactures armored vehicles. The Respondent has violated the Hazardous Waste Management Regulation as follows: failure to label containers of hazardous waste with the words “Hazardous Waste – federal laws prohibit improper disposal,” an accumulation start date, and an EPA Hazardous Waste Number; failure to maintain a containment system that (1) is designed and operated with a base that underlies the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed; (2) has a sloped base or is otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids; (3) has sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater; and, (4) is designed and operated such that run-on into the containment system is prevented unless the collection system has sufficient capacity for excess run-on

which might enter the system; failure to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors; failure to record inspections in an inspection log or summary; failure to accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate; failure to mark containers at or near the point of generation either with the words: "Hazardous Waste" or with other words to identify the contents of the container; failure to mark containers at or near the point of generation holding the excess of 55 gallons with the date the excess amount began accumulating; failure to make an accurate hazardous waste determination; failure to manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment; failure to train all employees who handle or have responsibility for managing universal waste; failure to make preparedness and prevention arrangements with emergency officials; failure to have a contingency plan; failure to ensure that facility personnel successfully complete a program of classroom instruction or on-the-job training within six (6) months of their employment that teaches them to perform their duties in a way that ensures the facility's compliance; failure to maintain documents and records at the facility including the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job; failure to maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and, failure to maintain records that document that the training given to and completed by or job experience of facility personnel.

Action: The Respondent has agreed to: ensure that all containers of hazardous waste are managed properly; ensure proper accumulation time; ensure the general inspection requirements and personnel training are complete; ensure that a hazardous waste determination is made; ensure that hazardous waste is managed properly; ensure that appropriate arrangements are made with local authorities; ensure that the contingency plan is complete; and, pay a civil penalty in the amount of fifty-five thousand dollars (\$55,000.00).

19)	<u>Order Type and Number:</u>	Consent Order 08-14-HW
	<u>Order Date:</u>	September 8, 2008
	<u>Respondent:</u>	INVISTA S.a.r.l.
	<u>Facility:</u>	Invista S.a.r.l.
	<u>Location/Mailing Address:</u>	1551 Sha Lane, P.O Box 5887 Spartanburg, South Carolina 29304
	<u>County:</u>	Spartanburg
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	SCD 056 811 367
	<u>Violations Cited:</u>	The South Carolina Hazardous Waste Management Act §44-56-130(2) and The South Carolina Hazardous Waste Management Regulation 61-79.265.173(d), R.61-

79.262.41(b), R.61-79.265.173(c), R.61-79.265.173(a), R.61-79.273.13(d), R.61-79.273.14(e), and, R.61-79.273.15(c)(1).

Summary: INVISTA S.a.r.l. (Respondent) owns and operates a plastic and resin manufacturing facility. The Respondent has violated the South Carolina Hazardous Waste Management Regulations as follows: failure to list the correct waste codes on the waste index and submit corrections to the Department; failure to list the EPA Hazardous Waste Number on the hazardous waste label; failure to keep containers of hazardous waste closed; and, failure to keep containers of universal waste closed and properly labeled.

Action: The Respondent has agreed to: ensure that all containers of hazardous waste are managed properly; ensure that all required Quarterly Report information is accurately reported; ensure that universal waste is managed properly; and, pay a civil penalty in the amount of five thousand dollars (\$5,000.00).

20)	<u>Order Type and Number:</u>	Consent Order 08-15-HW
	<u>Order Date:</u>	September 18, 2008
	<u>Responsible Party:</u>	Earth Protection Services, Inc.
	<u>Location/Mailing Address:</u>	102 Twentynine Court Williamston, South Carolina 29697
	<u>County:</u>	Anderson
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	SCR 000 763 201
	<u>Violations Cited:</u>	The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Regulation 61-79.273.60(a), R.61-79.273.34(e), and, R.61- 79.273.33(d)(1).

Summary: Earth Protection Services, Inc. (Respondent) is a full service electronics recycling company. The Respondent has violated the Hazardous Waste Management Regulation as follows: failure to process universal waste without prior accumulation or within eight (8) hours of receipt; failure to label or mark each lamp or a container or package in which such lamps are contained clearly with any one of the following phrases: “Universal Waste – Lamps,” “Waste Lamp(s),” or “Used Lamp(s);” and, contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.

Action: The Respondent has agreed to: limit activities at 103 Twentynine Court as follows: operate as a Large Quantity Handler of Universal Waste shipping lamps, batteries, mercury containing equipment, etc., to the Respondent’s South Carolina Universal Waste Destination Facility or another Large Quantity Handler of Universal Waste or Universal Waste Destination

Facility; operate as a Hazardous Waste Transfer Facility receiving hazardous waste from customers en-route to the Respondent's recycling facility in Arizona; and, operate as a Small Quantity Generator of Hazardous Waste for batteries that may become damaged during handling prior to off-site shipment for recycling/disposal. Activities should be limited as follows: operate as a Universal Waste (UW) Destination Facility for lamps recycled on-site; and, operate as a Large Quantity Generator of Hazardous Waste managing phosphor powder, arc tubes, and sweeping debris generated from the recycling process sent off-site for disposal; and, pay a civil penalty in the amount of five thousand dollars **(\$5,000.00)**.

21) Order Type and Number: Consent Order 08-16-HW
 Order Date: October 15, 2008
 Responsible Party: **Zimmer Machinery Corporation**
 Location/Mailing Address: 200 Three Oaks Road
 Cowpens, South Carolina 29330

 County: Spartanburg
 Previous Orders: None
 Permit Number: SCD 982 107 492
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2) and the South Carolina Hazardous
 Waste Management Regulation 61-79.262.13(d), R.61-79.262.11, R.61-
 79.262.90, R.61-79.262.34(a), and R.61-79.270.1(c).

Summary: Zimmer Machinery Corporation (Respondent) manufactures machines for the textile industry. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to file a revised or new Notification Form whenever the information previously provided became outdated or inaccurate; failure to accurately determine if a solid waste is a hazardous waste; failure to clean up a hazardous waste discharge that occurred during generation, processing or storage so that the discharge no longer presents a hazard to human health or the environment; failure to accumulate hazardous waste onsite for 90 days or less unless a permit or interim status has been issued by the Department; and failure to obtain a permit for disposal of any hazardous waste.

Action: The Respondent has agreed to now and in the future: ensure compliance; submit a revised or new Notification Form whenever the information previously provided becomes outdated or inaccurate; ensure that an accurate hazardous waste determination is made on all solid wastes generated; clean up any hazardous waste discharge resulting from activities performed by Zimmer and/or its employees; store hazardous wastes onsite for no more than 90 days, unless an extension to that time frame has been requested of and granted by the Department; and, pay a civil penalty in the amount of three thousand, five hundred dollars **(\$3,500.00)**.

Radiological Waste Enforcement

22) Order Type and Number: Consent Order of Dismissal for
Administrative Order 07-02-RW
Order Date: October 16, 2008
Respondent: **Exelon Generation Company,
LLC – LaSalle Station**
Facility: LaSalle Station
Location/Mailing Address: 2601 N. 21st Rd., Marseilles, IL
61341
County: Marseilles, IL
Previous Orders: None
Permit/ID Number: 0178-12-07-X
Violations Cited: South Carolina Radioactive Waste Transportation
and Disposal Act of 1976 (Act), Transportation of Radioactive Waste
Regulation 61-83, Section 1.2; S.C. Radioactive Material License #097,
Amendment #47, Conditions 26 and 61; and, the Barnwell Waste
Management Facility Site Disposal Criteria Chem-Nuclear Systems,
Section 13.1.3.

Summary: Excelon Generation Company, LLC – LaSalle Station
(Respondent) failed to package a shipment of radioactive waste to the
EnergySolutions disposal facility in Barnwell, South Carolina, in a manner that
would prevent the release of radioactive waste into the shipping container, and
failed to notify the Barnwell Licensing Department in writing prior to shipment of
any removable contamination and/or unexpected high radiation levels on the
disposal container and/or cask interior surfaces. This constitutes a violation of the
Regulation, the License, and the Barnwell Disposal Site Criteria. The Department
suspended the Respondent's Permit for a period of thirty (30) days, as required by
the Regulation; however, the Respondent filed a request for a final review
conference with the Board regarding the Department's decision to suspend the
Respondent's Permit. The Board decided not to conduct a review conference, and
the Department was unable to reach agreement with the Respondent on the terms
of a Consent Order. Subsequently, the Department issued Administrative Order
07-02-RW (Order), and the Respondent appealed the Permit suspension and the
Order to the South Carolina Administrative Law Court. The Respondent
subsequently entered into this Consent Order of Dismissal to resolve the matter.

Action: The Respondent has satisfied the Department's suspension of the
Permit and requires the Respondent to pay a civil penalty of three thousand
dollars (**\$3,000.00**).

- 23) Order Type and Number: Consent Order 08-01-RW
Order Date: October 27, 2008
Respondent: **Amergen Energy Company – Oyster Creek Generating Station**
Facility: Oyster Creek Generating Station
Location/Mailing Address: U.S. Route 9 South, Forked River, NJ 08731
County: Forked River, NJ
Previous Orders: None
Permit/ID Number: 0043-29-08-X (Permit)
Violations Cited: South Carolina Radioactive Waste Transportation and Disposal Act of 1976 (Act), Transportation of Radioactive Waste Regulation 61-83, Section 1.2; S.C. Radioactive Material License #097, Amendment #47, Conditions 31 and 65; and, the Barnwell Waste Management Facility Site Disposal Criteria Chem-Nuclear Systems, Section 9.1.

Summary: Amergen Energy Company – Oyster Creek Generating Station (Respondent) failed to properly label two (2) shipments of radioactive waste to the EnergySolutions disposal facility in Barnwell, South Carolina; and, failed to ensure that all containers within a third shipment had secure lifting devices for offloading. The Department suspended the Respondent's Permit for a period of thirty (30) days for the series of non-radiological violations.

Action: The Respondent is required to: submit corrective action measures and pay a civil penalty of three thousand dollars (**\$3,000.00**).

Solid Waste Enforcement

- 24) Order Type and Number: Consent Order 08-02-SW
Order Date: September 18, 2008
Respondent: **Riverside Stump Dump, Inc.**
Facility: Riverside Stump Dump, Inc.
Location/Mailing Address: 2201 S. Main St., Fountain Inn, SC/
620 Riverside Dr., Asheville, NC
28801
County: Laurens
Previous Orders: None
Permit/ID Number: 302778-3001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, as amended; Solid Waste Management: Yard Trash and Land-Clearing Debris; and Compost Regulation 61-107.4.E.3.e., R.61-107.4.F.11.b., and Registration Number 302778-3001.

Summary: Riverside Stump Dump, Inc. (Respondent) has violated the Solid Waste Management: Yard Trash and Land-Clearing Debris; and Compost Regulation as follows: failure to maintain a 200-foot minimum buffer between streams and rivers and the compost pad or storage area; failure to provide adequate fire lanes; and, failure to have the current layout of the facility match the Department approved layout.

Action: The Respondent is required to: ensure a minimum 200-foot buffer is present between the creek and the compost pad and storage area; ensure all overburden has been removed from the facility and adequate fire lanes have been established with native soils between the piles; ensure that the current layout of the facility matches the Department approved layout for the facility; and, pay a civil penalty of five thousand dollars (**\$5,000.00**).

25) Order Type and Number: Consent Order 08-12-SW
 Order Date: September 18, 2008
 Respondent: **Waste Management of South
Carolina, Inc.**
 Facility: Florence Transfer Station
 Location/Mailing Address: McCurdy Rd. and St. Beulah Rd.,
 Florence, SC/208 Prep Phillips Dr.,
 Augusta, GA
 County: Florence
 Previous Orders: 07-21-SW (\$6,000)
 Permit/ID Number: 212498-6001
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991, as amended; Solid Waste Management:
 Transfer of Solid Waste Regulation 61-107.7.F.3., and Permit # 212498-
 6001.

Summary: Waste Management of South Carolina, Inc. (Respondent) has violated the Solid Waste Management Regulation and the Permit as follows: failure to ensure that all drainage areas were discharged to the sanitary sewer.

Action: The Respondent is required to pay a civil penalty of sixteen thousand, six hundred forty dollars (**\$16,640.00**).

26) Order Type and Number: Consent Order 08-14-SW
 Order Date: September 19, 2008
 Respondent: **Greenspace, Inc.**
 Facility: Greenspace Air Curtain Incinerator
 Location/Mailing Address: 1055 Strobhardt Rd., Ridgeland,
 SC/P.O. Box 22623, Hilton Head
 Island, SC

County: Jasper
Previous Orders: None
Permit/ID Number: 272773-4001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, as amended; Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities Regulation 61-107.12.D.n.(3); R.61-107.12.F.7.c; R.61-107.12.F.8.; R.61-107.12.H.1.; and, R.61-107.12.J.; Solid Waste Management: Construction, Demolition and Land-Clearing Debris Landfills Regulation 61-107.11, Part IV.A.8.; and, Permit # 272773-4001.

Summary: Greenspace, Inc. (Respondent) has violated the Solid Waste Management Regulation and the Permit as follows: failure to properly manage incoming waste and failure to properly manage ash generated by the incineration process.

Action: The Respondent is required to: remove inappropriate wastes; ensure compliance with the Permit and the Regulation or modify the Permit; complete visual screening through the use of earthen berms; and, pay a civil penalty of four thousand three hundred dollars (**\$4,300.00**) in accordance with a Promissory Note.

27) Order Type and Number: Consent Order 08-03-SW
Order Date: October 20, 2008
Respondent: **Waste Management of South Carolina, Inc.**
Facility: Palmetto Landfill & Recycling Center
Location/Mailing Address: 251 New Hope Rd., Wellford, SC/208 Prep Phillips Dr., Augusta, GA 30901
County: Spartanburg
Previous Orders: 07-21-SW (\$6,000) and 08-12-SW (\$16,640); 04-216-W (\$8,400)
Permit/ID Number: 422401-1101
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, as amended, Solid Waste Management: Municipal Solid Waste Landfills Regulation 61-107.258.21.a., and Permit # 422401-1101.

Summary: Waste Management of South Carolina, Inc. (Respondent) has violated the Solid Waste Management: Municipal Solid Waste Landfills Regulation and the Facility's Permit as follows: failure to ensure that all disposed solid waste at the Facility was covered with six (6) inches of soil.

Action: The Order requires the Respondent to pay a civil penalty of five thousand, one hundred twenty dollars **(\$5,120.00)**.

28) Order Type and Number: Consent Order 08-18-SW
Order Date: October 16, 2008
Respondent: **Ashley C. Taylor**
Facility: Unpermitted Tire Collection Site
Location/Mailing Address: Tax Map # 185-00-03-004-00,
Clarendon County/120 Ashley Trace
Drive, Lexington, SC 29072
County: Clarendon
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, as amended, Solid Waste Management:
Waste Tires Regulation 61-107.3.G.1.

Summary: Ashley C. Taylor (Respondent) has violated the Solid Waste Management: Waste Tires Regulation as follows: failure to obtain a permit from the Department prior to the operation of a waste tire collection site.

Action: The Respondent is required to remove all waste tires from the site and pay a civil penalty of five thousand dollars **(\$5,000.00)**.

BUREAU OF WATER

Drinking Water Enforcement

29) Order Type and Number: Consent Order 08-046-DW
Order Date: September 18, 2008
Respondent: **Bluewater Custom Pools and Spas, Inc.**
Facility: Haven at New Riverside
Location/Mailing Address: 2185 Highway 292
Inman, S.C. 29349
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1158B; 07-1159D
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(B)(2)

Summary: Bluewater Custom Pools and Spas, Inc. (Respondent) is responsible for the construction of a Pool and Spa. The Respondent has violated

the Public Swimming Pools Regulation as follows: failure to obtain a permit to construct prior to the construction of the Pool and Spa.

Action: The Respondent has agreed to: correct the construction deficiencies and pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**). The civil penalty has been paid.

30) Order Type and Number: Consent Order 08-047-DW
Order Date: September 9, 2008
Respondent: **Catawba River WTP**
Facility: Catawba River WTP
Location/Mailing Address: P.O. Box 214
Van Wyck, S.C. 29744
County: Lancaster
Previous Orders: None
Permit/ID Number: 2920002
Violations Cited: S.C. Code Ann. Regs. 61-58.5(P)

Summary: The Catawba River Water Treatment Plant (WTP) (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: the PWS produced running annual averages that exceeded the maximum contaminant level for total trihalomethanes (TTHM) during the July 2007 – June 2008 compliance period.

Action: The Respondent has agreed to: submit an investigative report and a Corrective Action Plan, including a schedule of implementation, to address the causes of the TTHM exceedances and pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) if it fails to meet any requirement of this Order.

31) Order Type and Number: Consent Order 08-048-DW
Order Date: September 8, 2008
Respondent: **Town of Estill**
Facility: Town of Estill PWS
Location/Mailing Address: P.O. Box 415
Estill, S.C. 29918
County: Hampton
Previous Orders: None
Permit/ID Number: 2510002
Violations Cited: S.C. Code Ann. Regs. 61-58.13(C)(3)(a)(i)

Summary: The Town of Estill (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

Summary: Sandstone Homeowners Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to contact the Department and schedule a re-inspection after Department closure prior to opening the Pool.

Action: The Respondent has agreed to: pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid.

33)	<u>Order Type and Number:</u> <u>Order Date:</u> <u>Respondent:</u> <u>Facility:</u> <u>Location/Mailing Address:</u> <u>County:</u> <u>Previous Orders:</u> <u>Permit/ID Number:</u> <u>Violations Cited:</u> 58.5(B)(2)	Consent Order 08-050-DW September 18, 2008 Ocean Lakes Utilities, LP Ocean Lakes Family Campground PWS 1710 Hwy 544 Myrtle Beach, S.C. 29575 Horry None 2660048 24A S.C. Code Ann. Regs. 61-
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Summary: Ocean Lakes Utilities, LP (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water

Regulations as follows: the PWS produced running annual average results that exceeded the maximum contaminant level (MCL) for Fluoride.

Action: The Respondent has agreed to: submit, for approval, a Corrective Action Plan to include proposed steps to address the MCL exceedances and pay a **stipulated penalty** in the amount of two thousand dollars (\$2,000.00) if it fails to meet any requirement of this Order.

34) Order Type and Number: Consent Order 08-051-DW
Order Date: September 18, 2008
Respondent: **PRG Real Estate Management, Inc.**
Facility: Magnolia Townhomes
Location/Mailing Address: 2701 East Luzerne Street
Philadelphia, PA 19137-1411
County: Spartanburg
Previous Orders: None
Permit/ID Number: 42-063B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J),
61-51(K)(1)(c), and 61-51(K)(1)(d)

Summary: PRG Real Estate Management, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Pool at the above referenced site.

Action: The Respondent has agreed to: pay a civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00).

35) Order Type and Number: Consent Order 08-052-DW
Order Date: October 7, 2008
Respondent: **Lil Owl Care Assistant for the Homeless, Inc.**
Facility: Caring & Sharing Community Center
Location/Mailing Address: 1325 Santee River Road
Alvin, S.C. 29479
County: Berkeley
Previous Orders: Amended CO 03-243-DW
Permit/ID Number: 0870939
Violations Cited: S.C. Code Ann. Regs. 61-58.12(B)(1)

Summary: Lil Owl Care Assistant for the Homeless, Inc. (Respondent) d/b/a Caring & Sharing Community Center owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to provide its customers with a Consumer Confidence Report (CCR) for calendar year 2007.

Action: The Respondent has agreed to: pay a penalty in the amount of one thousand four hundred dollars (**\$1,400.00**).

36) Order Type and Number: Consent Order 08-053-DW
Order Date: October 15, 2008
Respondent: **Betty Allen**
Facility: Whale Branch Mobile Home Park
Location/Mailing Address: 2520 S. Adams Street
Denver, CO 80210
County: Beaufort
Previous Orders: 06-015-DW (Stipulated \$4,000)
Permit/ID Number: 0760071
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.5 (G), 61-58.7, 61-58.11 (H), 61-30 (G)(2) (Supp. 2007)

Summary: Betty Allen (Respondent) d.b.a. Whale Branch Mobile Home Park owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failed to properly operate and maintain the PWS, failed to perform bacteriological and lead and copper monitoring, and failed to pay the State Safe Drinking Water Fees for the 2008 and 2009 fiscal years.

Action: The Respondent has agreed to: issue public notice to the customers of the PWS; correct all operation and maintenance deficiencies; pay the balance of the State Safe Drinking Water Fees for the 2008 and 2009 fiscal years, which total one thousand four hundred eighty-four dollars and thirty-eight cents (\$1,484.38), in three (3) monthly installments; and pay a **stipulated penalty** in the amount of seven thousand five hundred dollars (**\$7,500.00**) if the Respondent fails to meet any requirement of this Order.

Water Pollution Enforcement

37) Order Type and Number: Consent Order 08-101-W
Order Date: September 8, 2008
Respondent: **Greenwood Metropolitan District**

Facility: Greenwood Metropolitan District
WWCS
Location/Mailing Address: 121 W. Court Avenue
Greenwood, S.C. 29646
County: Greenwood
Previous Orders: 06-214-W (\$4,200)
Permit/ID Number: 32995-WW
Violations Cited: S.C. Code Ann. § 48-1-110(a)(3)(2008) and 24 S.C. Code Ann. Regs. 61-67.100(E)(7) (Supp 2007)

Summary: Greenwood Metropolitan District (Respondent) owns and is responsible for the construction of a wastewater collection system (WWCS) consisting of three hundred and thirteen (313) linear feet of eight (8) inch gravity sewer and one (1) manhole to relocate flow located on the corner of Mathis Road and Hwy 72 in Greenwood County, South Carolina. The Respondent has violated the Pollution Control Act as follows: initiated operation of the sewer line without approval.

Action: The Respondent has agreed to: request an inspection from the Department's EQC Regional I Greenwood Office for the purpose of obtaining approval to operate the WWCS; and, pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**). The penalty has been paid.

38) Order Type and Number: Consent Order 08-103-W
Order Date: September 8, 2008
Respondent: **Southern Development Group of the Carolinas, LLC**
Facility: McCall Meadows
Location/Mailing Address: 355 Grier Lesslie Road
Rock Hill, S.C. 29730
County: York
Previous Orders: None
Permit/ID Number: None
Violations Cited: S.C. Code Ann. § 48-1-90(a)(2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp. 2007)

Summary: Southern Development Group of the Carolinas, LLC (Respondent) owns and is responsible for land-disturbing activity on property located at 355 Grier Lesslie Road in York County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to properly install and maintain all storm water control measures and discharged sediment-laden storm water into the environment in a manner other than in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that applicable storm water and sediment control devices are properly installed and functioning in accordance with approved storm water plans and its NPDES Permit and pay a civil penalty in the amount of five thousand one hundred dollars (**\$5,100.00**).

- 39) Order Type and Number: Consent Order 08-104-W
 Order Date: September 8, 2008
 Respondent: **City of Simpsonville**
 Facility: Parking Lot/Road
 Location/Mailing Address: Mr. Russell Hawes
 City Administrator
 118 North East Main Street
 Simpsonville, S.C. 29681

 County: Greenville
 Previous Orders: N/A
 Permit/ID Number: SCR10J238
 Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008)
 and 24 S.C. Code Ann. Regs. 61-9.122.26 (c)(1) (Supp. 2007)

Summary: The City of Simpsonville (Respondent) owns and is responsible for land clearing and construction activities at the property located at Heritage Crest Subdivision (Tax Map 056-00-401-00-704 and 032-60-001-00-201) in Greenville County. The Respondent has violated the Pollution Control Act as follows: discharged sediment into the environment, including waters of the state in a manner other than in compliance with a Permit for the parking lot. The Respondent also initiated land-disturbing activities prior to obtaining a National Pollutant Discharge Elimination System (NPDES) Permit for the parking lot and obtaining an NPDES Permit for the road being graded on the backside of the Site.

Action: The Respondent has agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that implementation of the necessary storm water and sediment control devices are complete and in accordance with both sets of approved plans and specifications after the set of Plans for Site I have been approved or submit a Notice of Termination (NOT) for the Site; and, pay a civil penalty in the amount of twelve thousand eight hundred dollars (**\$12,800.00**) payable in 4 quarterly installments

- 40) Order Type and Number: Consent Order 08-108-W
 Order Date: September 23, 2008
 Respondent: **Calhoun County**
 Facility: SC DOT I-26 Rest Stop WWTF

Location/Mailing Address: Court House Annex, Suite 108
St. Matthews, S.C. 29135
County: Calhoun
Previous Orders: 04-178-W (\$1,000)
Permit/ID Number: SC0040339
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp. 2008) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (d) (Supp. 2007)

Summary: Calhoun County (Respondent) is responsible for the operation and maintenance of the SC DOT I-26 Rest Stop wastewater treatment facility (WWTF) located in Calhoun County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to comply with the effluent limits for ammonia and total phosphorous as contained in its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: submit a Corrective Action Plan (CAP) containing the steps to be taken to prevent future violations; submit an updated Operation and Maintenance Manual to include process controls and other treatment procedures necessary for the reduction of ammonia, total phosphorous and other NPDES Permit parameters, as appropriate; begin construction to upgrade the WWTF; complete construction of the WWTF upgrade; and pay a civil penalty in the amount of three thousand four hundred dollars (\$3,400.00) and a suspended penalty in the amount of three thousand four hundred dollars (\$3,400.00) payable if the Respondent fails to meet any requirement of the Order.

41) Order Type and Number: Consent Order 08-109-W
Order Date: September 23, 2008
Respondent: **Chickasaw Utility Company**
Facility: Chickasaw Point SD WWTF
Location/Mailing Address: 102 Lilac Drive
Westminster, SC 29693
County: Oconee
Previous Orders: 04-097-W (\$5,600-Suspended) and
07-059-W (\$5,600)
Permit/ID Number: SC0048259
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp. 2007)

Summary: Chickasaw Utility Company (Respondent) located in Oconee County, South Carolina, owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) for the Chickasaw Point Subdivision (SD). The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to comply with

the effluent discharge limits of the National Pollutant Discharge Elimination System (NPDES) Permit for total phosphorus.

Action: The Respondent has agreed to: within sixty (60) days of receiving the Permit, begin construction of upgrades necessary to eliminate the discharge from the WWTF (land application); within three hundred sixty-five (365) days of beginning construction, complete all construction and request a final approval; and, pay a **suspended penalty** in the amount of four thousand two hundred dollars (**\$4,200.00**) if the Respondent fails to meet any requirement of the Order.

42) Order Type and Number: Consent Order 08-110-W
Order Date: September 23, 2008
Respondent: **Christopher Crisp**
Facility: Crisp Poultry Farm
Location/Mailing Address: 531 Sturkie Street
Cope, S.C. 29038
County: Orangeburg
Previous Orders: None
Permit/ID Number: ND0084247/ 18,950-AG
Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008),
25 S.C. Code Ann. Regs. 61-43.200.100(B)(21) (Supp. 2002), and 24A
S.C. Code Ann. Regs. 61-30(c) (Supp. 2007)

Summary: Christopher Crisp d/b/a Crisp Broiler Farm (Respondent) owns and is responsible for the proper disposal of manure from his poultry farm located in Orangeburg County. The Respondent has violated the Pollution Control Act, the Standards for the Permitting of Agricultural Animal Facilities, and Water Pollution Control Permit Regulations as follows: stockpiled manure for more than three (3) days without appropriate cover; allowed the discharge of manure into the environment in a manner other than in compliance with a Permit; and failure to pay his annual operating fees.

Action: The Respondent has agreed to: submit a manure handling plan detailing standard operating procedures and best management practices (BMP) to be implemented; complete the Confined Animal Manure Management (Camm) training; pay all current and past due fees; and pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) in quarterly installments.

43) Order Type and Number: Consent Order 08-111-W
Order Date: September 23, 2008
Respondent: **Richland County School District**
One
Facility: Gadsden Elementary

Location/Mailing Address: 201 Park Street
Columbia, S.C. 29201
County: Richland
Previous Orders: 05-155-W (\$6,800)
Permit/ID Number: SC0031526
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp. 2008) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (d) (Supp. 2007)

Summary: Richland County School District One (Respondent) is responsible for the operation and maintenance of the wastewater treatment facility (WWTF) serving the Gadsden Elementary School, located in Richland County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to comply with the effluent limits for ammonia as contained in its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: submit a revised Best Management Practices (BMP) to include a flushing program during Christmas and spring breaks to prevent wastewater from remaining in the WWTF during these periods; and pay a civil penalty in the amount of seven thousand two hundred dollars (\$7,200.00).

44) Order Type and Number: Consent Order 08-113-W
Order Date: September 30, 2008
Respondent: **Spartanburg Housing Authority**
Facility: Cedar Springs Place
Location/Mailing Address: P.O. Box 2828
Spartanburg, SC 29304
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCR10E428
Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008),
S.C. Code Ann. Regs. 61-9.122.41(a) and (e)(1) (Supp. 2007)

Summary: Spartanburg Housing Authority (Respondent) owns and is responsible for land-disturbing activities at Cedar Springs Place, located on Cedar Springs Road (Site) in Spartanburg County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: discharged sediment into the environment, including into waters of the State, in a manner other than in compliance with a Permit and failure to install and maintain storm water management and erosion and sediment controls per the approved Plans.

Action: The Respondent has agreed to: submit a report, completed by a S.C. Registered Professional Engineer, certifying that all sediment and erosion control devices are installed and functioning properly as specified by the approved sediment and erosion control plans and pay a civil penalty in the amount of nine thousand five hundred dollars (**\$9,500.00**).

45) Order Type and Number: Consent Order 08-107-W
 Order Date: October 21, 2008
 Respondent: **Don's Scrap Iron and Metal Co., Inc.**
 Facility: Don's Scrap Iron and Metal Co., Inc.
 Location/Mailing Address: 200 Railroad Avenue
 Hemingway, S.C. 29554
 County: Williamsburg
 Previous Orders: None
 Permit/ID Number: SCR003333
 Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008),
 48-1-110(a)(2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e)
 (Supp. 2007)

Summary: Don's Scrap Iron and Metal Co., Inc. (Respondent) owns and is responsible for the operation of a scrap metal recycling facility (Site) located at 200 Railroad Avenue in the Town of Hemingway, in Williamsburg County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: discharged waste into the environment in a manner other than in compliance with a permit issued by the Department; failed to comply with all the conditions of the National Pollutant Discharge Elimination System Permit; failed to monitor storm water discharges; failed to conduct and document annual Comprehensive Site Evaluations as required by the Permit; failed to take all reasonable steps to mitigate, minimize and prevent the discharge of waste to the environment and failed to implement the necessary Best Management Practices to prevent the discharge of pollutants via storm water discharges to the environment.

Action: The Respondent has agreed to: submit a Corrective Action Plan summarizing the actions implemented to prevent future violations of the permit; submit a site assessment plan prepared and stamped by a S.C. Registered Professional Engineer or a S.C. Registered Professional Geologist to identify the sources and horizontal and vertical extent of petroleum-contaminated soil; submit a revised Storm Water Pollution Prevention Plan prepared and stamped by a S.C. Registered Professional Engineer addressing Site operations; stabilize all newly disturbed areas at the Site and pay a civil penalty in the amount of fourteen thousand eight hundred dollars (**\$14,800.00**). The penalty has been paid.

- 46) Order Type and Number: Consent Order 08-112-W
 Order Date: October 21, 2008
 Respondent: **Town of Saluda CPW**
 Facility: Saluda CPW WWTF
 Location/Mailing Address: P.O. Box 686
 Saluda, S.C. 29138

 County: Saluda
 Previous Orders: 04-108-W (\$9,600.00), 04-108-W
 AMD(\$0) and 06-076-W (\$1,400.00)

 Permit/ID Number: SC0022381
 Violations Cited: S.C. Code Ann. § 48-1-110(a)(1) and
 (3) (2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(a)(3) (Supp. 2007)

Summary: The Town of Saluda Commission of Public Works (Respondent) located in Saluda, South Carolina, owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: installed and placed into operation a D-MET system for the treatment of heavy metals prior to obtaining approval.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a request for Approval to Operate the D-MET system from the Department; and pay a civil penalty in the amount of three thousand two hundred dollars (**\$3,200.00**). The penalty has been paid.

- 47) Order Type and Number: Consent Order of Dismissal
 08-114-W
 Order Date: October 1, 2008
 Respondent: **Timm Creek, LLC**
 Facility: Timm Creek Subdivision
 Location/Mailing Address: P.O. Box 2705
 Spartanburg, SC 29304

 County: Spartanburg
 Previous Orders: 04-003-W (\$6,000) and 07-123-W
 (\$43,126.00)

 Permit/ID Number: SCR106922
 Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008)
 and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp. 2007)

Summary: Timm Creek, LLC (Respondent) owns and is responsible for land-disturbing activities at the Timm Creek Subdivision (Site) in Spartanburg County, South Carolina, South Carolina. The Respondent has violated the Pollution Control Act and the South Carolina Storm Water Management and Sediment Control Regulations as follows: discharged sediment into the environment, including into waters of the State, in a manner other than in

compliance with a permit issued by the Department and failed to install and maintain storm water management and erosion and sediment controls. An Administrative Order (07-123-W), issued against Timm Creek, LLC, was executed on August 7, 2007. The Administrative Order required the Respondent to: conduct inspections of the Site and submit the inspection reports to the Department; have personnel responsible for Site inspections attend and successfully complete a Department approved course for Erosion Prevention and Sediment Control; submit a report certifying that all storm water devices are installed and properly functioning and pay a civil penalty in the amount of forty-three thousand one hundred twenty-six dollars (\$43,126.00).

Action: The Respondent appealed the Administrative Order. The matter was to be heard by the S.C. Administrative Law Court, however, the Respondent agreed to settle the matters in Administrative Order 07-123-W by entering into Consent Order of Dismissal 08-114-W (Docket No. 07 ALJ-07-0534-CC). The Consent Order supersedes and rescinds Administrative Order 07-123-W. The Respondent agreed to: conduct inspections of the Site and submit the inspection reports to the Department; have personnel responsible for Site inspections attend and successfully complete a Department approved course for Erosion Prevention and Sediment Control; submit a report certifying that all storm water devices are installed and properly functioning; pay a civil penalty in the amount of thirty thousand dollars (**\$32,698.45**) in installments over the next twenty-four (24) months; and, pay a suspended penalty in the amount of thirteen thousand one hundred twenty-six dollars (\$13,126.00) if the Respondent fails to meet the requirements of the Order.

48)	<u>Order Type and Number:</u>	Consent Order 08-115-W
	<u>Order Date:</u>	October 7, 2008
	<u>Respondent:</u>	So Co Residential Partners, LLC
	<u>Facility:</u>	Grove Station Apartments
	<u>Location/Mailing Address:</u>	620 Park # 185 Rochester, N. Y. 14607
	<u>County:</u>	Greenville
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	SSS000830
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-90(a) (2008)and 24 S.C. Code Ann. Regs. 61-9.610.3(b) and (c) (Supp. 2007)

Summary: So Co Residential Partners. LLC (Respondent) owns and is responsible for the proper operation and maintenance of the wastewater collection system (WWCS) serving the Grove Station Apartments (Site) located in Greenville County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to properly operate and maintain the WWCS resulting in the discharge of wastewater into the environment, including into waters of the State, in a manner other than in compliance with a permit issued by the Department.

Action: The Respondent has agreed to: conduct and document inspections of the WWCS, implementing corrective action where necessary; report overflows in accordance with permit requirements; submit an engineering report and plans and specifications, to obtain a construction permit to upgrade the WWCS as necessary to prevent future overflows; complete construction of the WWCS; and, pay a **suspended penalty** in the amount of nineteen thousand and two hundred dollars (**\$19,200.00**) if the Respondent fails to meet the requirements of the Order.

49) Order Type and Number: Consent Order 08-116-W
Order Date: October 7, 2008
Respondent: **Newberry County Water and Sewer Authority**
Facility: Cannons Creek WWTF
Location/Mailing Address: 13903 C. R. Koon Highway
Newberry, S.C. 29108
County: Newberry
Previous Orders: None
Permit/ID Number: SC0048313
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp. 2008) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (d) (Supp. 2007)

Summary: Newberry County Water and Sewer Authority (Respondent) is responsible for the operation and maintenance of the Cannons Creek wastewater treatment facility (WWTF) located in Newberry County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent limits for Ammonia-Nitrogen (ammonia) as contained in its National Pollutant Discharge Elimination System Permit.

Action: The Respondent has agreed to: submit an Updated Operation and Maintenance Manual to include appropriate process control tests, sludge and/or solids level measurements, maintenance procedures and a checklist to prevent future violations; and pay a civil penalty in the amount of three thousand six hundred dollars (**\$3,600.00**).

50) Order Type and Number: Consent Order 08-117-W
Order Date: October 7, 2008
Respondent: **Pilgrim's Pride Corporation**
Facility: Pilgrim's Pride Poultry Processing Facility
Location/Mailing Address: 2050 Highway 15 South

Sumter, S.C. 29150
County: Sumter
Previous Orders: None in last 5 years
Permit/ID Number: SC0000795
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp. 2008) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (d) (Supp. 2007)

Summary: Pilgrim's Pride Corporation (Respondent) is responsible for the proper operation and maintenance of the wastewater treatment facility (WWTF) serving the Pilgrim's Pride Poultry Processing Plant, located in Sumter County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent limits for Whole Effluent Toxicity (WET), total suspended solids (TSS), fecal coliform bacteria (Fecal) and biochemical oxygen demand (BOD) as contained in its National Pollutant Discharge Elimination System Permit.

Action: The Respondent has agreed to: submit a Corrective Action Plan to include the actions implemented to prevent future effluent violations; submit an updated Operation and Maintenance Manual; initiate an accelerated series of WET tests if the effluent from Outfall 001 fails to meet WET limits during a period of one year; conduct a Toxicity Reduction Evaluation if the effluent is in violation of the Respondent's WET permit limits during the accelerated testing period; pay a civil penalty in the amount of twenty-four thousand dollars (\$24,000.00); and, pay a suspended penalty in the amount of six thousand dollars (\$6,000.00) if the Respondent fails to meet the requirements of the Order.

BUREAU OF AIR QUALITY

51) Order Type and Number: Consent Order 08-042-A
Order Date: September 9, 2008
Respondent: **Mr. Richard Wayne Joines**
Facility: Mr. Richard Wayne Joines
Location/Mailing Address: 60 Milford Church Rd
Taylors, SC 29687
County: Greenville
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control
Regulations 61-62.2, Prohibition of Open Burning.

Summary: Mr. Richard Wayne Joines (Respondent) resides at 60 Milford Church Road in Taylors, SC. The Respondent violated State Regulations in that he burned prohibited materials.

Action: The Respondent has agreed to: cease open burning except as in compliance with South Carolina Air Pollution Control Regulation, Prohibition of Open Burning; and pay a civil penalty in the amount of two thousand dollars (\$2,000.00) payable in installments. The first payment has been received.

52) Order Type and Number: Consent Order 08-043-A
 Order Date: September 9, 2008
 Respondent: **Reeves Brothers, Inc.**
 Facility: Reeves Brothers, Inc.
 Location/Mailing Address: PO Box 892, Hwy. 29 S.
 Spartanburg, SC 29304

 County: Spartanburg
 Previous Orders: 03-081-A (\$5,800)
 Permit/ID Number: 2060-0019
 Violations Cited: U.S. EPA 40 CFR 63.4310(c),
 63.4311(a)(1)(iii), 63.4340(b)(1), 63.7(a)(2)(ix), and 63.9(h), South
 Carolina Air Pollution Control Regulations 61-62.63 - Subpart OOOO and
 Subpart A, South Carolina Air Pollution Control Regulation 61-62.70.6(c),
 and S. C. Code Ann. § 48-1-110(d).

Summary: Reeves Brothers, Inc. (Respondent), located in Spartanburg, SC owns and operates a facility that produces urethane and rubber-coated fabrics. The Department issued Part 70 (Title V) Air Quality Operating Permit TV-2060-0019 to Respondent, effective October 1, 2001. Respondent violated Federal and State Regulations and Statutes as follows: failed to conduct an initial performance test to demonstrate compliance with hazardous air pollutant emission standards for each capture system and add-on control device in its urethane and rubber-coating lines; failed to submit a Notification of Compliance Status (NOCS) attesting to whether it had complied with the standards; failed to submit a semiannual compliance report; and failed to submit a complete and accurate Title V Annual Compliance Certification.

Action: Respondent has agreed to: submit reports and certifications in the future; conduct an initial performance test no later than April 30, 2009, and submit the results of the test and an NOCS following completion of the test; and pay a civil penalty in the amount of sixty thousand dollars (\$60,000.00).

53) Order Type and Number: Consent Order 08-044-A
 Order Date: September 9, 2008
 Respondent: **Southern Equipment Co, Inc.**
 d/b/a Ready Mixed Concrete Co.
 Facility: Ready Mixed Concrete Co. Florence
 Plant

<u>Location/Mailing Address:</u>	PO Box 30850 Myrtle Beach, SC 29588
<u>County:</u>	Florence
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	9900-0223
<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d)

Summary: Southern Equipment Company, Inc. d.b.a. Ready Mixed Concrete Co. (Respondent) owns and operates a concrete batch plant. The Department issued General State Air Quality Operating Permit 9900-0223 to the Respondent on October 18, 2006. The Respondent violated the Pollution Control Act in that it failed to: ensure that the central dust collector was on-line and operating properly when the plant was in operation; and record pressure drop readings for the baghouse.

Action: The Respondent has agreed to: ensure that all control devices are on-line and operating properly when that plant is in operation; ensure that baghouse pressure drop readings are monitored and recorded daily and retained onsite; and pay a civil penalty in the amount of five thousand, two hundred fifty dollars (**\$5,250.00**). The penalty has been paid.

54)	<u>Order Type and Number:</u>	Consent Order 08-045-A
	<u>Order Date:</u>	September 9, 2008
	<u>Respondent:</u>	University of South Carolina Lancaster
	<u>Facility:</u>	Starr Hall Building
	<u>Location/Mailing Address:</u>	476 Hubbard Dr Lancaster, SC 29721
	<u>County:</u>	Lancaster
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	N/A
	<u>Violations Cited:</u>	U.S. EPA 40 CFR 61.145, South Carolina Air Pollution Control Regulation 61-86.1

Summary: The University of South Carolina Lancaster (Respondent) is a higher education institution. The Starr Hall building located at 476C Hubbard Drive in Lancaster, South Carolina (Project site) is a part of the USC Lancaster campus. The Respondent hired Sistare Carpets, Inc. to remove and replace carpet at the Project Site. The Respondent violated Federal and State Regulations as follows: failed to ensure that a building inspection was performed to identify the presence, location and estimated quantity of Asbestos Containing Material (ACM) prior to beginning renovation; failed to ensure that the Department was notified of renovation at least ten working days prior to beginning renovation involving Regulated Asbestos Containing Materials (RACM); and failed to ensure that an

asbestos project license was obtained from the Department prior to beginning a renovation involving RACM.

Action: The Respondent has agreed to: ensure that a building inspection is performed to identify the presence, location and estimated quantity of ACM prior to beginning any future renovation activities; ensure that the Department is notified of renovation at least ten working days prior to beginning any future renovations involving RACM; ensure that an asbestos project license is obtained prior to beginning any future asbestos projects; and pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**).

55) Order Type and Number: Consent Order 08-047-A
Order Date: September 23, 2008
Respondent: **Mr. Ralph Bogan d/b/a Nine Lives Mattress Recycling**
Facility: Mr. Ralph Bogan d/b/a Nine Lives Mattress Recycling
Location/Mailing Address: 837 North Pamplico Hwy
Pamplico, SC 29583
County: Florence
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control Regulation 61.62.2, Prohibition of Open Burning

Summary: Mr. Ralph Bogan d.b.a. Nine Lives Mattress Recycling (Respondent) owns and operates a mattress recycling business. The Respondent violated South Carolina Air Pollution Control Regulations, in that he burned materials prohibited by the regulation.

Action: The Respondent has agreed to: cease open burning except as in compliance with South Carolina Air Pollution Control Regulation, Prohibition of Open Burning; and pay to the Department a civil penalty in the amount of four hundred dollars (**\$400.00**). The penalty has been paid.

56) Order Type and Number: Consent Order 08-049-A
Order Date: September 23, 2008
Respondent: **Sistare Carpets, Inc.**
Facility: N/A
Location/Mailing Address: 1743 Great Falls Hwy
Lancaster, SC 29720
County: Lancaster
Previous Orders: None
Permit/ID Number: N/A

Violations Cited: U.S. EPA 40 CFR 61.145, 61.150,
South Carolina Air Pollution Control Regulation 61-86.1

Summary: Sistare Carpets, Inc. (Respondent) is a contractor that specializes in floor replacement and renovation. The Starr Hall building located at 476C Hubbard Dr in Lancaster, SC (Project Site) is a part of the University of South Carolina Lancaster (USC Lancaster) campus. The Respondent was hired by the USC Lancaster to remove and replace carpet at the Project Site. The Respondent violated Federal and State Regulations as follows: failed to ensure that a building inspection was performed to identify the presence, location and estimated quantity of asbestos-containing material prior to beginning renovation; failed to notify the Department of renovation at least 10 working days prior to beginning a renovation involving regulated asbestos-containing material ("RACM"); failed to follow applicable work practice requirements for National Emissions Standards for Hazardous Air Pollutants (NESHAP) projects, including but not limited to wetting, and proper removal of RACM; failed to follow disposal requirements for RACM; and failed to obtain an asbestos project license from the Department prior to beginning a renovation involving RACM.

Action: The Respondent has agreed to: ensure that a building inspection is performed prior to beginning any future renovation activities; ensure that the Department is notified of future renovations; follow all applicable work practice requirements; ensure that all disposal requirements are followed; ensure that an asbestos project license is obtained from the Department prior to beginning any future asbestos projects; and pay to the Department a civil penalty in the amount of ten thousand dollars (\$10,000.00) payable in installments.

57) Order Type and Number: Consent Order 08-050-A
Order Date: September 23, 2008
Respondent: **JW Aluminum Company**
Facility: JW Aluminum Company
Location/Mailing Address: 435 Old Mount Holly Rd
Mount Holly, SC 29445
County: Berkeley
Previous Orders: None
Permit/ID Number: TV-0420-0033
Violations Cited: US EPA 40 CFR 63.1516(a) and
South Carolina Air Pollution Control Regulation 61-62.63, Subpart RRR
and S.C. Code Ann. 48-1-110(d)

Summary: JW Aluminum Company (Respondent) owns and operates an aluminum coil and sheet manufacturing facility. The Department issued Part 70 ("Title V") Air Quality Operating Permit TV-420-0033 to Respondent, effective October 1, 2006. Respondent violated Federal and State Regulations and its Title V Permit in that it failed to: address within its written Start-Up Shut-Down

Malfunction (SSM) Plan all required elements; submit a request for an alternative method for monitoring each of its four mist eliminators; and install a flow meter on its wet scrubber and record flow readings.

Action: The Respondent has agreed to: maintain the written SSM Plan and make necessary updates; ensure that any alternative method for monitoring control device performance is submitted to the Department for approval, prior to conducting such alternative monitoring; continue to record flow readings for the wet scrubber; and pay a civil penalty in the amount of three thousand six hundred dollars **(\$3,600.00)**.

58) Order Type and Number: Consent Order 08-052-A
Order Date: October 1, 2008
Respondent: **DAK Americas, LLC**
Facility: DAK Americas, LLC
Location/Mailing Address: 3350 Cypress Gardens Rd
Moncks Corner, SC
County: Berkeley
Previous Orders: 06-045-A (\$15,000)
Permit/ID Number: TV-0420-0089
Violations Cited: U.S. EPA Regulations at 40 CFR 52
and South Carolina Air Pollution Control Regulation 61-62.5, Standard
No. 7, Prevention of Significant Deterioration (collectively, "PSD") and
S.C.Code Ann. § 48-1-90(a)

Summary: DAK Americas, LLC (Respondent) manufactures polyester fibers and bottle grade polyethylene terephthalate resin at its Cooper River Plant located in Moncks Corner, SC. On March 31, 2004, the Department issued Respondent Title V Permit TV 0420-0089. The Respondent violated South Carolina Air Pollution Control Regulations and its Title V Permit, in that it exceeded its allowable PM emission rate for the product dryer during a Department-approved source test.

Action: The Respondent has agreed to: comply with PM emission limits established by its Permit; and pay a civil penalty in the amount of seven thousand dollars **(\$7,000.00)**. The penalty has been paid.

59) Order Type and Number: Consent Order 08-053-A
Order Date: October 2, 2008
Respondent: **Integrated Recycling Group of SC, LLC**
Facility: Integrated Recycling Group of SC, LLC
Location/Mailing Address: 5899 N. Main St

Cowpens, SC 29330
County: Spartanburg
Previous Orders: None
Permit/ID Number: 2060-0080
Violations Cited: South Carolina Regulation 61-30, Environmental Protection Fees; South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements; and S.C. Code Ann. § 48-1-110(d).

Summary: Integrated Recycling Group of SC, LLC (Respondent), located in Cowpens, SC, reprocesses synthetic fibers from textile greige facilities. On August 7, 2003, the Department issued Operating Permit 2060-0080 to the Respondent. The Respondent violated State regulations and Statutes as follows: failed to maintain a log of operation and maintenance (O&M) inspections checks; failed to pay all applicable air emissions fees; and failed to obtain permits prior to constructing and operating a new synthetic fiber tearing line.

Action: The Respondent has agreed to: maintain a log of O&M inspections checks, pay all applicable air emissions fees, and obtain permits in the future; submit a construction permit application for the new synthetic fiber tearing line; and pay a civil penalty in the amount of six thousand five hundred dollars (\$6,500.00) payable in ten installments.

60) Order Type and Number: Consent Order 08-054-A
Order Date: October 2, 2008
Respondent: **Cox & Floyd Grading, Inc.**
Facility: Cox & Floyd Grading, Inc.
Location/Mailing Address: 2412 Hwy 101
Greer, SC 29651
County: Spartanburg
Previous Orders: None
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(a) and 61.145(b) (3) (i); and South Carolina Air Pollution Control Regulation 61-86.1, Section IV.B.1.and 5. and Section XIII.B.1.a.

Summary: Cox & Floyd Grading, Inc. (Respondent) is a grading company located in Greer, SC. The Respondent violated Federal and State Asbestos Regulations as follows: failed to ensure that a building was thoroughly inspected for the presence of asbestos-containing materials prior to commencement of demolition: failed to provide written notice of intent to demolish the building at least 10 working days prior to the demolition; and failed to obtain an asbestos project license prior to beginning demolition of the building.

Action: The Respondent has agreed to: ensure that asbestos surveys are conducted, written notices of intent to demolish are provided, applicable fees are paid, and project licenses are obtained in the future; provide written notice and pay fees for demolition of the building; and pay a civil penalty in the amount of four thousand seven hundred fifty dollars **(\$4,750.00)** payable in four installments.

61) Order Type and Number: Consent Order 08-055-A
 Order Date: October 1, 2008
 Respondent: **City of Bennettsville**
 Facility: City of Bennettsville
 Location/Mailing Address: PO Box 1036
 Bennettsville, SC 29512
 County: Marlboro
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: South Carolina Air Pollution Control
 Regulation 61-62.2, Prohibition of Open Burning, U.S. EPA Regulations
 at 40 CFR 61.145(a) and South Carolina Air Pollution Control Regulation
 61-86.1, Section IV.B.1., U.S. EPA Regulations at 40 CFR 61.145(b) and
 South Carolina Air Pollution Control Regulation 61-86.1, Section
 XIII.B.1.a., South Carolina Air Pollution Control Regulation 61-86.1,
 Section IV.B.5.

Summary: City of Bennettsville (Respondent), located in Marlboro County, SC, is a municipality. The Respondent violated Federal and South Carolina Air Pollution Control Regulations as follows: failure to conduct an asbestos survey prior to beginning a renovation or demolition at a regulated facility; failure to submit a written notification to the Department of intent to demolish; failure to obtain an asbestos project license from the Department prior to beginning a demolition asbestos project; and burned prohibited materials.

Action: The Respondent has agreed to: cease open burning except as in accordance with State open burning regulations; ensure that an asbestos survey is performed to identify the presence, location, and estimated quantity of asbestos containing material (ACM); submit required notification and pay applicable fees; submit to the Department a plan of action to ensure future compliance with Department Asbestos Regulations; and pay to the Department a civil penalty in the amount of five thousand dollars **(\$5,000.00)**. The penalty has been paid.

62) Order Type and Number: Consent Order 08-056-A
 Order Date: October 9, 2008
 Respondent: **Carolina Interior Demolition
 Specialties, Inc.**

Facility: 931 Senate St.
Location/Mailing Address: 141 Cort Rd
Columbia, SC 29203
County: Richland
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Air Pollution Control
Regulation 61-86.1, Section IV.B.1.

Summary: Carolina Interior Demolition Specialties, Inc. (Respondent) is a contractor specializing in building renovation and demolition. The Respondent violated State Regulations by failing to ensure that a building inspection was performed to identify the presence, location and estimated quantity of asbestos-containing material (ACM) prior to beginning a renovation activity.

Action: The Respondent has agreed to ensure that a building inspection is performed to identify the presence, location and estimated quantity of ACM prior to beginning any future renovation activities, and pay to the Department a civil penalty in the amount of three thousand dollars (**\$3,000.00**). The penalty has been paid.

63) Order Type and Number: Consent Order 08-057-A
Order Date: October 21, 2008
Respondent: **Soltex, Inc. d/b/a Soltex
International, Inc.**
Facility: Soltex, Inc. d/b/a Soltex
International, Inc.
Location/Mailing Address: 50 Commerce Center
Greenville, SC 29615
County: Greenville
Previous Orders: None
Permit/ID Number: 1200-0235
Violations Cited: S.C. Code Ann. § 48-1-110(d)

Summary: Soltex, Inc. (Respondent), located in Greenville, SC, owns and operates a facility that prints and treats fabrics used for mattress ticking. On May 27, 2008, the Department issued Air Quality Operating Permit 1200-0235 to the Respondent. The Respondent violated the Pollution Control Act for failure to maintain consumption records of all process-related materials containing volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) as required by its permit.

Action: The Respondent has agreed to: maintain consumption records of process-related materials containing VOCs and HAPs in the future; and pay a

civil penalty in the amount of seven thousand dollars (**\$7,000.00**). The penalty has been paid.

64) Order Type and Number: Consent Order 08-058-A
 Order Date: October 9, 2008
 Respondent: **Cayce Company, Inc.**
 Facility: University of SC
 LeConte College
 Location/Mailing Address: 307 Dooley Rd
 Lexington, SC 29073
 County: Lexington
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: South Carolina Air Pollution Control
 Regulation 61-86.1

Summary: Cayce Company (Respondent) is a contractor specializing in plumbing, air conditioning, and ventilation. The Respondent violated State Regulations as follows: it engaged in an asbestos project involving regulated asbestos-containing material (RACM) without the required Department-issued licensure; failed to ensure that every worker who will engage in an asbestos project has a current and valid license; failed to ensure that an asbestos project license was obtained from the Department prior to beginning a renovation involving RACM; failed to ensure that the Department was notified of renovation at least 10 working days prior to beginning renovation involving RACM; failed to follow applicable work practice requirements for Minor Projects; and failed to follow disposal requirements for RACM.

Action: The Respondent has agreed to: ensure that all asbestos-containing material is properly identified and removed in accordance with Federal and State Regulations; not engage in any asbestos project unless licensed to do so by the Department; and pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**). The penalty has been paid.

65) Order Type and Number: Consent Order 08-059 -A
 Order Date: October 13, 2008
 Respondent: **Chester Wood Products LLC**
 Facility: Chester Wood Products LLC
 Location/Mailing Address: 1445 Lancaster Hwy
 Chester, SC 29706
 County: Chester
 Previous Orders: 06-032-A (\$9,000)
 Permit/ID Number: 0640-0013

Violations Cited: S.C. Code Ann § 48-1-90(a); US EPA 40 CFR 62.2240, US EPA 40 CFR 63.2280(d) (1)

Summary: Chester Wood Products LLC, (Respondent) located in Chester, South Carolina, owns and operates a softwood veneer and plywood manufacturing facility. The Department issued Part 70 (Title V) Air Quality Operating Permit 0640-0013 to the Respondent, effective October 18, 2000. The Respondent has violated the Pollution Control Act, Federal Regulations, and its Permit in that it failed to maintain a minimum volatile organic compound (VOC) and hazardous air pollutant (HAP) destruction removal efficiency (DRE) of 90% on its regenerative catalytic oxidizer; and, failed to submit a Notice of Compliance Status for control of fugitive emissions from its veneer dryers.

Action: The Respondent has agreed to: henceforth maintain a minimum VOC and HAP DRE of 90%; henceforth submit timely Notices of Compliance Status; and pay a civil penalty in the amount of ten thousand dollars (\$10,000.00). The penalty has been paid.

66) Order Type and Number: Consent Order 08-060-A
Order Date: October 21, 2008
Respondent: **Kinder Morgan Energy Partners, LP**
Facility: Kinder Morgan Energy Partners, LP
Location/Mailing Address: 1801 Milford St.
Charleston, SC 29405
County: Charleston
Previous Orders: None
Permit/ID Number: 0560-0027
Violations Cited: S.C. Code Ann. § 48-1-90(a) and S.C. Code Ann. § 48-1-110(d)

Summary: Kinder Morgan Energy Partners, LP (Respondent) owns and operates a bulk materials terminal and conducts barge unloading operations at docks located on the west bank of Shipyard Creek. The Department issued Air Quality Operating Permit 0560-0027 (Permit) to the Respondent, effective May 28, 2003. The Respondent violated the Pollution Control Act and the Permit as follows: failed to prevent coal from being deposited into the waterway; failed to implement proper wetting of materials at the railcar loading area; failed to properly maintain and operate the mobile spray truck and keep roadways free of dust or transferred materials; failed to install a readily accessible and easily read pressure drop gauge on its baghouse cleaning system; and document weekly operation and maintenance checks performed on the baghouse cleaning systems, dust collection hoppers and conveying systems.

Action: The Respondent has agreed to: properly maintain and operate the railcar loadout operations' fugitive dust suppression system in order to provide maximum control of fugitive dust; properly maintain and operate the mobile spray truck and ensure the water is sufficiently applied to minimize fugitive dust from roadways; maintain all pressure drop gauges on baghouses in a readily accessible location; document operation and maintenance checks performed on the baghouse cleaning systems, dust collection hoppers and conveying systems to ensure proper operation; develop and submit to the Department a plan identifying best management practices; and pay a civil penalty in the amount of nineteen thousand dollars **(\$19,000.00)**.

67) Order Type and Number: Consent Order 08-061-A
 Order Date: October 23, 2008
 Respondent: **Spectrum Products, Inc.**
 Facility: 220 Church Street
 Greenville, SC 29609
 Location/Mailing Address: 220 Church St
 Greenville, SC 29609
 County: Greenville
 Previous Orders: None
 Permit/ID Number: 1200-0432
 Violations Cited: S.C. Code Ann. § 48-1-110 (d)

Summary: Spectrum Products, Inc., (Respondent) operates a wood molding and flooring facility in Greenville, SC. The Department issued State Air Quality Operating Permit 1200-0432 to the Respondent on September 21, 2006. The Respondent violated the permit as follows: failed to perform maintenance checks on its baghouse cleaning systems; and failed to make baghouse maintenance records available to the Department.

Action: The Respondent has agreed to: perform daily inspections of all emissions control equipment and to perform prompt maintenance to correct any deficiencies discovered; maintain baghouse records on-site and make those records available to the Department upon request; and pay a civil penalty in the amount of three thousand dollars **(\$3,000.00)**. The penalty has been paid.

68) Order Type and Number: Consent Order 08-062-A
 Order Date: October 21, 2008
 Respondent: **AFL Telecommunications, LLC**
 Facility: AFL Telecommunications, LLC
 Location/Mailing Address: 115 USAC Drive
 Duncan, SC 29334
 County: Spartanburg
 Previous Orders: None

Permit/ID Number:
Violations Cited:

2060-0196
S.C. Code Ann. § 48-1-110(d)

Summary: AFL Telecommunications LLC (Respondent) owns and operates a facility that wraps aluminum coating around steel wire, which is used in the construction and installation of overhead ground wires and utility poles. On February 4, 2008, the Department issued Air Quality Operating Permit 2060-0196 to Respondent. The Respondent violated the Pollution Control Act and the Permit as follows: failed to properly operate and maintain liquid flow meters on three scrubbers; failed to ensure that its scrubbers were operational at all times when processes controlled by the scrubbers were operating; and failed to determine operational ranges for triggering corrective actions and assuring proper operation of one of its scrubbers.

Action: The Respondent has agreed to: in the future, operate and maintain liquid flow meters on its scrubbers and ensure that all air pollution control devices are operational when equipment or processes controlled by the devices are operating; submit the operational ranges for its scrubber; submit for approval, a corrective action plan to ensure that all air pollution control devices are operational when equipment or processes controlled by the devices are operating, and to ensure that corrective actions are immediately taken for any exceedances outside of the normal operational ranges of its pollution control devices; and pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**).

69)	<u>Order Type and Number:</u>	Consent Order 08-063-A
	<u>Order Date:</u>	October 28, 2008
	<u>Respondent:</u>	Luke Wofford Trucking, Inc.
	<u>Facility:</u>	Luke Wofford Trucking, Inc.
	<u>Location/Mailing Address:</u>	126 Sammey's Lane Florence, SC 29506
	<u>County:</u>	Darlington
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	None
	<u>Violations Cited:</u>	South Carolina Air Pollution Control
	Regulation 61-62.2	

Summary: Luke Wofford Trucking, Inc. (Respondent) located in Florence, SC, is a construction contractor. The Respondent has violated State Regulations in that it burned prohibited materials.

Action: The Respondent has agreed to cease open burning except in compliance with State Regulations and to pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**). The penalty has been paid.